

# **Exhibit 5**

## **Omnibus Mao Declaration**

**MATERIALS SOUGHT TO  
BE FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA  
MUNIZ, ELIZA CAMBA, SAL CATALDO,  
EMIR GOENAGA, JULIAN SANTIAGO,  
HAROLD NYANJOM, KELLIE NYANJOM,  
AND SUSAN LYNN HARVEY,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

vs.

NO. 3:20-CV-04688

GOOGLE LLC,

DEFENDANT.

\_\_\_\_\_ /

\*\*\*HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY\*\*\*

VIDEOTAPED DEPOSITION OF ERIC MIRAGLIA

\*VIA REMOTE COUNSEL VIDEOCONFERENCE\*

TUESDAY, OCTOBER 25, 2022

VOLUME I

STENOGRAPHICALLY REPORTED BY:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

JOB NO. 5545552; PAGES 1 - 243

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1 don't have any specific recollections that I could 03:37:25  
2 share. 03:37:28  
3 BY MR. FRAWLEY: 03:37:28  
4 Q. And same question but for WAA and sWAA. 03:37:30  
5 A. Again, very difficult to be specific over 03:37:56  
6 almost a decade of writing and talking about this 03:37:59  
7 stuff. But -- but I'm positive that we've had 03:38:03  
8 conversations about Web & App Activity over those 03:38:08  
9 years and ways we could make it better, make it more 03:38:16  
10 accessible to users. 03:38:20  
11 Q. But you don't recall the -- you don't 03:38:25  
12 recall any specific Google employees, sitting here 03:38:28  
13 today, who raised concerns? 03:38:31  
14 A. I don't. 03:38:33  
15 Q. More generally, do you recall having 03:38:39  
16 conversations with Google employees where they 03:38:41  
17 expressed concerns about WAA and/or sWAA? 03:38:43  
18 MR. HUR: Objection. Asked and answered. 03:38:49  
19 Vague. 03:38:51  
20 THE WITNESS: I think I -- I think I had 03:39:03  
21 mentioned earlier that over almost a decade working 03:39:05  
22 on these kinds of products, I'm -- I'm not just 03:39:08  
23 confident, I'm sure that I've had conversations with 03:39:12  
24 colleagues about how to make these experiences 03:39:16  
25 better for users. 03:39:20

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1 None of those -- none of those exchanges 03:39:21  
2 stand out for me in a way that I can recall them 03:39:24  
3 sitting here today. 03:39:27  
4 BY MR. FRAWLEY: 03:39:28  
5 Q. Do you think any of those conversations 03:39:29  
6 involved a colleague expressing concerns about WAA 03:39:31  
7 or sWAA? 03:39:35  
8 MR. HUR: Objection. Vague. 03:39:44  
9 THE WITNESS: I'm not sure how to add to 03:39:57  
10 what I've said before. I... 03:39:58  
11 BY MR. FRAWLEY: 03:40:00  
12 Q. Can you turn to the very bottom of this 03:40:04  
13 document? It's the very -- it's the last two 03:40:06  
14 sentences of Mr. Ruemmler's e-mail. 03:40:14  
15 A. Yes. 03:40:16  
16 Q. Do you see where he wrote: "The whole WAA 03:40:17  
17 story is also quite confusing. I thought this would 03:40:20  
18 be resolved with Narnia 3, but that work looks to be 03:40:24  
19 deprecated. So, what also is happening here with 03:40:29  
20 consent across Google?" 03:40:34  
21 Do you see that? 03:40:37  
22 A. I do. 03:40:38  
23 Q. Do you agree with Mr. Ruemmler that Narnia 03:40:38  
24 3 was supposed to make WAA less confusing? 03:40:40  
25 MR. HUR: Objection. Foundation. 03:40:45

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1 THE WITNESS: Narnia 3 refers to a 03:41:01  
2 continuation of programs we've been running to 03:41:04  
3 improve our privacy-related products and improving 03:41:06  
4 Web & App Activity. And all of the activity 03:41:12  
5 controls would have been a piece of that effort for 03:41:15  
6 sure. 03:41:18  
7 So I would -- I would put it in that 03:41:18  
8 language, not in Chris's language. 03:41:23  
9 BY MR. FRAWLEY: 03:41:24  
10 Q. All right. I'm going to introduce another 03:41:28  
11 exhibit. 03:41:30  
12 (Whereupon Exhibit 121 was marked for 01:06:31  
13 identification.) 01:06:31  
14 BY MR. FRAWLEY: 03:41:31  
15 Q. All right. I've introduced Plaintiffs' 03:41:45  
16 Exhibit 121. Take a moment to familiarize yourself 03:41:48  
17 with it. 03:41:52  
18 (Witness reviewing document.) 03:41:53  
19 THE WITNESS: Okay. 03:41:53  
20 BY MR. FRAWLEY: 03:41:53  
21 Q. Do you recognize this document? 03:41:53  
22 A. Not specifically, but I recognize the 03:43:58  
23 genre. 03:44:00  
24 Q. And what do you mean by "the genre"? 03:44:02  
25 A. We care really deeply about how users -- 03:44:12

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1 the quality of the experience users have when they 03:44:17  
2 see these consent screens, and we acknowledge that 03:44:22  
3 not all of those are going to be in English. The 03:44:27  
4 majority them will not. Translation is one of many 03:44:29  
5 challenges that we face, and this is a -- a working 03:44:34  
6 document that is of the type that we helped use to 03:44:37  
7 assess whether we had done a good job of translating 03:44:43  
8 the consent flow. 03:44:49

9 Q. Now, do you speak, read, or write Russian? 03:44:52

10 A. I do not. 03:44:55

11 Q. Do you speak, read, or write any other 03:45:00  
12 languages aside from English? 03:45:02

13 A. Not well enough to conduct this exercise 03:45:11  
14 myself, no. 03:45:14

15 Q. So you're never responsible for doing the 03:45:14  
16 actual translation; is that fair? 03:45:17

17 A. That's fair. 03:45:19

18 Q. But is it part of your job, or was it part 03:45:23  
19 of your job, to review the documents like this one? 03:45:25

20 MR. HUR: Objection. Vague. 03:45:36

21 THE WITNESS: In my role, it would be more 03:45:42  
22 typical for me to see the rollup of this exercise 03:45:45  
23 performed across the entire language side or some 03:45:51  
24 subset of languages. 03:45:56

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